



## South Carolina Judicial Department Finance and Personnel

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August 31, 2007

Mr. Les Boles, Director  
Office of State Budget  
1201 Main Street, Suite 870  
Columbia, SC 29201

Dear Mr. Boles:

Enclosed for your consideration is the South Carolina Judicial Department Budget request for fiscal year 2008-2009.

Sincerely,

Thomas B. Timberlake

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## FISCAL YEAR 2008-09 BUDGET REQUEST

### I. EXECUTIVE SUMMARY

- A. Agency Section/Code/Name: Section 30/B04/Judicial Department
- B. Statewide Mission: By the adoption of Article V, Section 1, of the South Carolina Constitution, the people of this State established the Judicial Department as the administrator of a unified judicial system (the Judicial Branch), one of the three co-equal branches of South Carolina State Government.<sup>1</sup> At some point, virtually every citizen of the state has contact with the Judicial Department, whether that contact is direct because of involvement in a civil dispute or criminal matter, or indirect because the citizen's life is impacted by a decision of a trial or appellate court that could involve local zoning, taxation, or interpretation of a state statute. The Judicial Department strives to provide a court system that not only is fair but that the citizens of the state perceive as treating all persons equally and as resolving all matters in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.

**The mission of the Judicial Department is to ensure that an accessible forum is available for the resolution of civil disputes and criminal matters and to resolve those matters in a fair and efficient manner.**

Values are defined as the principles, goals, and standards held by society. The Judicial Department balances the tradition of the courts with its modernization by upholding its core values:

- Fundamental belief in justice for all
- Commitment to the people of South Carolina
- Focus on improving results
- Dedication to collaboration within the Judicial Branch and with appropriate outside entities
- Expectation of professional and ethical behavior

The following major accomplishments were among those achieved in fiscal year 2006-07:

- Through the combined efforts of judges, administration and staff, the Judicial Department has attained notable achievements this year. Some of the accomplishments significantly improved specific operations within the courts while others have solidified the changing direction, attitude, and approach of individuals working in and with the Judicial Branch. Examples are:
  - The highly successful Supreme Court Institute, which the Supreme Court hosts with the South Carolina Bar, was increased in length from two-and-one-half days to four-and-one-half days. This program, which was modeled on a program developed by the Wisconsin Supreme Court, is a professional development program that allows secondary education teachers to learn about the judicial system in South Carolina through interaction with attorneys, judges, court employees, and members of the Supreme Court. The program gives these educators a variety of new tools for teaching about the courts and the justice system in a way that is relevant and interesting to their students.

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<sup>1</sup> Throughout this report, the term "Judicial Department" includes those departments and divisions directly funded by the State. The term Judicial Branch refers to all entities included in the unified judicial system, funded both by the State and locally by counties and municipalities.

- The Chief Justice formed a Task Force on Public Access to Court Records to study and make recommendations regarding access to court records. This Task Force will examine ways to improve public access to court records while insuring that privacy interests are protected. The Task Force has held a series of meetings and is working on a draft of its recommendations that will be considered by the Supreme Court.
- The Supreme Court created an Access to Justice Commission to assess how low income citizens are being provided with access to justice in civil matters and to develop and implement initiatives to increase the access of these citizens.
- The Chief Justice and the sixteen circuit solicitors entered into an agreement to develop and implement criminal case management systems in each county by the end of August 2007. The implementation of these case management systems will result in criminal cases being processed in a more effective and timely manner, benefiting defendants, victims, and the public.
- A pilot project using mediation for civil cases in magistrate court was implemented in Richland and Lexington counties. This continues the Judicial Department's commitment to explore alternate dispute resolution as a way to resolve disputes more efficiently.
- The use of video conferencing has been approved for use in the family court for hearings on bench warrants, Department of Social Services (DSS) cases involving emergency protective custody, intervention hearings, status review hearings, and permanency placement hearings. This approval is the latest in a series of initiatives which use technology to allow matters to be resolved in a more effective and expeditious manner while insuring that due process is maintained.
- The Supreme Court implemented a pilot mentoring program for a limited number of attorneys who where admitted following the July 2006 Bar Examination. This program is designed to allow more experienced lawyers to assist new members of the South Carolina Bar in developing professional habits, practices, and character. Depending on the success of this pilot program, it may be expanded to cover all new admittees in the future.
- The Supreme Court adopted an amended order regarding interpreters for non-English speaking persons. This order provides increased fees for certified interpreters and provides that Court Administration will keep a centralized list of certified or otherwise qualified interpreters.
- The Supreme Court approved a proposal to allow attorneys to receive some of the required continuing legal education by use of audio-visual or media presentations including those provided by webcasts and telephonic means.
- In the Court of Appeals, continued implementation of the expedited procedure in dependency appeals has reduced the length of these appeals by an average of six months.
- Pursuant to legislation providing for appeals directly from the Administrative Law Court (ALC), the Court of Appeals received 135 appeals from the ALC. About three-fourths of these appeals involved inmate grievances against the South Carolina Department of Corrections (SCDC), a species of appeal rarely seen previously in the Court of Appeals.

- Currently the statewide court case management system is in production in 10 counties which handle approximately 42% of the total caseload in the state circuit courts. Currently the statewide solicitor case management system is in production in 7 of the 16 judicial circuits which handle approximately 55% of the total General Sessions Court caseload. The solicitors' system is based upon differentiated case management which the sixteen Solicitors agreed with the Chief Justice during the year to use to manage the criminal docket in each judicial circuit.
- A task force led by Alan Carson, President of Justice Management Institute, composed of 38 representatives from across the state addressed the topic of public access to court records. The result of this task force, which met several times throughout the year, is a draft of public-privacy policy that will be ready for public comment during the fall of 2007.
- The Office of Court Administration sponsored a Family Court Mini-Summit funded by a federal Court Improvement Grant involving all family court judges, DSS attorneys, and county directors to discuss systemic changes to improve the way our state processes cases involving abused and neglected children with the goal of improving outcomes for children.
- The Office of Court Administration hosted a one-day seminar for judges and journalists to help journalists improve their performance in covering the courts and to educate judges on First Amendment and media issues that occur in trials and other newsworthy court activity. The seminar helped judges and journalists strengthen their working relationships to the benefit of both groups as they serve the public in their respective roles.
- The Office of Court Administration implemented the first phase of the process to prepare interpreters for the South Carolina Certification of Court Interpreters Exam. The workshop provided 74 bilingual individuals instruction and practical experience in the work of interpreting in the court system and the role and responsibilities of interpreters. The next two phases will include written and oral tests.
- The responsibilities of the Office of Disciplinary Counsel are expanding with the increased sophistication of the legal profession. As required by a Supreme Court rule, the Commission on Lawyer Conduct now tracks media advertisements (including print, web, radio and television) published by attorneys as well as checks from attorneys that cannot be cashed due to non-sufficient funds. In addition to the development of internal procedures and systems, communication mechanisms with the banks were established to address these responsibilities. In order to manage its caseload, expedite document preparation using merging capabilities, and maintain its records, the Office of Disciplinary Counsel has implemented a case management system using "off-the-shelf" software with the assistance of SCJD's own Office of Information Technology.
- A program to reward SCJD court reporters for achieving national certifications was implemented, resulting in 24 employees receiving salary increases based upon guidelines developed by Court Administration and Finance & Personnel.

#### C. Description of Strategic or Long-Term Goals:

##### (1) Summary

- Increase the efficiency of the day-to-day court operations with the deployment of the statewide court case management system to all the counties in the state.
- Utilize differentiated case management with the deployment of the statewide solicitor case management system to all judicial circuits in the state.
- Develop an online bar admissions application and automated bar admissions tracking system.

- Update the Code of Conduct for all employees of the Judicial Department.
- Develop a Code of Conduct for County Clerks of Court.
- Implement the direct, near real-time, electronic interfaces that have been in development for several years with other agencies in the state including South Carolina Law Enforcement Division (SLED), Department of Motor Vehicles (DMV), and local law enforcement. Then expand and enhance these interfaces to other agencies including Department of Probation, Parole, and Pardon (DPPP), SCDC, and others in accordance with the homeland security interface standards developed by the U.S. Department of Justice.
- Finalize the revision of the record retention schedules and get approval from State Archives to have only digital images as the court records for the Supreme Court and Court of Appeals. Also, replace and enhance the document management system at these courts.
- Finalize the public-privacy policy.
- Replace, update, and enhance the existing automated systems used in Court Administration that comprise the county statistics system and court reporting systems.
- The Office of Disciplinary Counsel, working with SCJD's Office of Information Technology, seeks to implement the imaging capabilities of its existing "off the shelf" case management system so as to digitally store incoming documents.

## (2) Opportunities and Barriers:

Opportunities for the Judicial Department for FY 2007-08 are based on further leveraging the resources and skills of all Judicial Branch entities as follows:

- The Judicial Department continues its multi-year initiative to modernize the judicial system through the incorporation of technology into the everyday court operations. The Judicial Department will continue partnerships with other state and federal agencies, including SLED, Department of Public Safety (DPS), SCDC, DPPP, DSS, Department of Revenue, Election Commission, and the Office of the State CIO. In addition, the Judicial Department will continue its close collaboration with each of the 46 counties.
- Homeland Security continues on the forefront of public awareness. The criminal justice system, specifically law enforcement and the courts, has become a focus of emphasis for public safety. The threat posed by terrorism highlights the critical role of our nation's state courts in maintaining the rule of law.
- Effective July 1, 2007, the Court of Appeals has been designated by an act of the General Assembly as the recipient of direct appeals from the Worker's Compensation Commission. An estimated 240 new appeals will be coming to the Court of Appeals as a result of this change, an increase of about 15%.
- The request for three (3) new Circuit Court Judges and three (3) new Family Court Judges, which is currently being considered by the Legislature, will directly address the issues of caseloads, backlogs, and time for judges to focus on the judicial issues in a timely, judicious manner.

The Judicial Department's ability to meet its goals is directly affected by constitutional mandates and separation of powers. Criminal prosecution is an Executive Branch function, and the number of cases filed and the disposition rate of those cases are largely controlled by the prosecutorial arm of state government. The Legislative Branch enacts legislation that impacts the Judicial Department's ability to meet its goals, as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department.

The barriers being faced by the Judicial Branch are:

- The potential loss of expertise, knowledge, and leadership over the next five years of approximately 20 percent of the permanent support staff, including key directors and managers, through retirements necessitates intensive ongoing recruitment, training, and promotion programs.
- The rapid speed with which technology advances combined with the increased dependence of daily court operations on technology are presenting constant and changing challenges to SCJD.
- Counties without technology resources continue to increase their reliance on the Judicial Department for technology support. Therefore, the limited Information Technology (IT) staff of the Judicial Department is serving as the direct technology support for the most rural counties, diverting them from their direct duties. Essentially, Judicial Department IT is serving as the county IT support for approximately 10 to 15 rural counties.
- The ability to provide adequate services for all levels of the unified judicial system relies in large part on local funding. County and municipal governments bear responsibility to provide funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs. A combination of state and local funding sources is required to operate the eight levels of court constituting the Judicial Branch.
- The judicial facilities across the state are public buildings that are not designed for tight security and are, for the most part, very open and accessible. The expense and operational changes that will be necessary to secure most of the facilities across the state is anticipated to be substantial and will require assistance from many funding sources to accomplish the security mission.
- Because the Family Court case management system is currently being addressed by the state as a part of the statewide child support procurement being led by DSS, the use of new technologies within the Family Court is being delayed as this procurement is being delayed. Since the case management system is the fundamental technology component for the operations of the courts, use of other technologies in the Family Courts is inhibited and thus the Family Courts must continue to operate without the full benefits of modern technologies, which is contradictory to the overall vision and direction of the South Carolina courts.
- The Judicial Department's success depends on the knowledge, skills, and motivation of its employees. Accordingly, the Judicial Department has placed emphasis on providing more accessible, effective, and efficient customer related services to employees. Emphasis is also being placed on professional development, career progression, and personal growth as it pertains to the needs of the Department. In order to provide adequate services to South Carolina customers and stakeholders, requests have been made for additional judges and SCJD staff.

D.

Summary of Operating Budget Priorities for FY 2008-09:		FUNDING					FTEs			
		State Non-Recurring	State Recurring	Federal	Other	Total	State	Fed.	Other	Total
Priority No.: 1	Title: Circuit Court and Family Court additional Judges									
Strategic Goal No. Referenced in <u>Item C Above (if applicable)</u> : (1) Strategic Goal Summary Activity Number & Name: Circuit Court-18; Family Court-19		0	\$2,057,679	0	0	\$2,057,679	24.00	0	0	24.00
Priority No.: 2	Title: Court Technology									
Strategic Goal No. Referenced in <u>Item C Above (if applicable)</u> : (1) Strategic Goal Summary Activity Number & Name: Information Technology-22		0	1,550,000	0	0	\$1,550,000	0	0	0	0.00
Priority No.: 3	Title: Travel Funds									
Strategic Goal No. Referenced in <u>Item C Above (if applicable)</u> : (2) Opportunities and Barriers Activity Number & Name: Circuit Court-18; Family Court-19		0	1,700,000	0	0	\$1,700,000	0	0	0	0.00
TOTAL OF ALL PRIORITIES		\$ 0	\$5,307,679	\$ 0	\$ 0	\$5,307,679	24.00	0.00	0.00	24.00

The fiscal year 2006-07 Appropriations Act established a committee to review the salaries and make recommendations for the appropriate salary levels of South Carolina's constitutional officers, judges, and legislators. This committee is to submit a report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor. The Hay Group has conducted this study of the compensation of the officers of the three branches of government. Their recommendations will be forthcoming and may result in a request for additional funding.

As part of its budget request, the Budget and Control Board will again request funding for the maintenance and revitalization of buildings in the Capitol Complex including the Calhoun Building and the Supreme Court Building. We have worked with the Budget and Control Board to develop a plan for essential repairs and necessary renovation of these two court buildings and we will be supportive of their requests.

The level of funding provided to the Judicial Department by the Legislative Branch is the overwhelmingly determinative factor in the quantity and quality of resources available to achieve the Judicial Department's objective to provide an efficient forum for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the Executive Branch and citizens. Much of the needed funding has been provided by the Legislature through temporary provisos. Stability in funding sources is a significant need. We support the codification of these provisos into permanent law.



E. Agency Recurring Base Appropriation:

State	\$ 37,010,688
Federal	\$ 7,704,000
Other	\$ 15,823,985

F. Efficiency Measures:

As discussed in Section III, Category 7 of the current Accountability Report, numerical measures are used as indicators of business results in many areas of the Judicial Department. For example, in the various Courts, cases filed and disposed and the growth or reduction of cases pending are the primary judicial performance measures. In Bar Admissions, applicants processed, tested and admitted to practice law serve as the performance indicators. In the Office of Disciplinary Counsel, complaints filed and heard and the growth or reduction of complaints pending are measured. However, some of the most significant indicators of effectiveness and customer service are not stated in numerical measures. Through good process management techniques, cross-functional results of teamwork through various joint project teams and task forces have been realized. Knowledge and expertise has been gained through partnership with a systems integrator. Recognizing that the Judicial Department customers are the citizens of South Carolina and anyone else affected by business before the Courts, the service delivery has to continually be improved through leadership that is responsive to customer input and at the same time, provides direction to the members of the Judicial Department. As stated throughout the Accountability Report, the Judicial Department has embraced technology as a means of communication. The use of technology has already shown results through cost savings to the courts as well as enabling more timely and accurate information to be more accessible to the staff, customers and stakeholders of the Judicial Department.

G. Number of Proviso Changes:

H. Signature/Agency Contacts/Telephone Numbers:

Agency Contacts:

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## FISCAL YEAR 2008-09 BUDGET REQUEST

### II. DETAILED JUSTIFICATION FOR FY 2008-09 OPERATING BUDGET PRIORITIES

- A. Agency Section/Code/Name: Section 30/B04/Judicial Department
- B. Priority No. 1 of 3
- C. (1) Title: Circuit Court and Family Court additional judges.  
(2) Summary Description: This request will establish three additional Circuit Court Judge positions and three additional Family Court Judge positions and the staff necessary to support them.  
(3) Strategic Goal/Action Plan: South Carolina continues to have one of the heaviest caseloads in the country. By creating additional judgeships, citizens requiring judicial intervention will receive this attention more quickly.
- D. Budget Program Name and Number:  
Circuit Court – personal service, Budget Program III  
Family Court – personal service, Budget Program IV
- E. Agency Activity: Circuit Court; Family Court
- F. Detailed Justification for Funding

#### (1) Justification for Funding Increase:

##### Circuit Court

While the incorporation of case management systems and technology into court operations has allowed the circuit judges to be more efficient, the circuit court caseload continues to steadily increase. Since 1997, when three new circuit judge positions were last created, the circuit court filings have increased from 173,111 filings in fiscal year 1997-98 to 197,568 filings in fiscal year 2005-06. Four thousand two hundred ninety-five cases are being filed per circuit judge in South Carolina which is among, if not, the highest ratio of filings per judge in the country.

In 2005-06 the percentage of criminal cases less than six months old was 42%. This has been accomplished by allocating increasing amounts of court time to general sessions which has contributed to the percentage of civil cases over a year old growing from 30% in 1998 to 35% in 2006. At the end of fiscal year 2005-06, there were 160,258 pending circuit court cases, of which 63,149 were criminal cases pending for more than six months.

A circuit judge holds an average of 39 terms of court each year and in fiscal year 2005-06 averaged 113 dispositions per term. Three new circuit judges would permit the scheduling of 117 more terms of circuit court per year and reduce the delay in disposing of criminal and civil cases by disposing of approximately 13,221 additional cases each year. In addition, three new judges would allow the ratio of circuit judges to circuit court case filings to be reduced from 1:4295 to 1:4032 which would remain among, if not, the highest ratio of filings per judge in the country.

Housing pretrial detainees in county jails is costly and contributes to jail overcrowding in a number of counties. The terms held by the additional judges would reduce the number of

pretrial detainees in county jails resulting in a savings to the counties on housing costs and mitigate problems arising from overcrowding.

### Family Court

Three family court judge positions were created in 1997 bringing the total to 52. The family court averaged 86,359 cases filings per year during the period of fiscal years 1997-98 through 2005-06. Associated with most of these cases are recurring proceedings due to the ongoing nature of family court issues such as visitation rights and modifications to child support or alimony. In addition, most juvenile cases involve multiple proceedings. The case filings do not reflect the numerous motions filed in most cases or agency cases such as abuse and neglect matters and child support actions and enforcement that require an ever increasing portion of limited court time.

Each family court judge holds approximately 39 terms of court each year and in fiscal year 2005-06 disposed of an average of 37 cases per term. There were 34,503 cases pending at the end of fiscal year 2005-06. The family court deals with sensitive matters and it is often critical that hearings be held in a timely manner. The addition of three family court judges could mean 117 more terms of court annually and an additional 4,329 case dispositions each year.

### Priority Ranking and Need for Funding

This request is the Judicial Department's number 1 priority. This request is to provide funding for companion legislation that is currently working its way through the legislative process. Providing for a functioning Judiciary is a fundamental requirement in a democratic form of government. Funding judges using carryforward funds would not be appropriate because carryforward general funds fall far short of the amount needed and carryforward other funds cannot be depended on as recurring funds. Accordingly, we request a general fund appropriation for this request.

### Benefits Derived

The addition of three circuit judges is expected to provide 117 additional terms of circuit court allowing the backlog of criminal and civil cases to be reduced, a more expeditious disposition rate for new cases, and faster dispositions for pretrial detainees resulting in significant cost savings and a reduction in jail overcrowding.

Three new family court judges will allow an additional 117 terms of family court to be held and assist in reducing the backlog in family court by an estimated 4,329 cases per year. Additional judicial resources will also expedite the disposition of new cases and provide critically needed relief to those requiring timely family court hearings.

## Consequences If Not Funded

Over 58% of criminal cases in general sessions court have been pending for more than six months. Without additional terms of court, the backlog of criminal cases will get larger. More cases could be pending for longer lengths of time exposing citizens to a heightened risk of victimization by perpetrators out on bond awaiting disposition of prior charges. Those persons falsely accused would be forced to unfairly live under a cloud of suspicion because crowded dockets unduly delay the adjudication of charges pending against them. Without additional judicial resources, this situation is likely to continue and will further complicate the jail overcrowding problem.

Family court cases involving such issues as child custody and support, enforcement proceedings, abuse and neglect, and accompanying motions will continue to be brought at rates faster than the system can handle, resulting in increasing backlog and imperiling people's lives and welfare.

(2)

<b>FY 2008-09 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*		24.00			24.00
(b) Salary		\$1,327,608			\$1,327,608
(c) Fringe Benefits		634,071			634,071
Program/Case Services					
Pass-Through Funds					
Other Operating Expenses		96,000			96,000
<b>Total</b>	<b>\$ 0</b>	<b>\$2,057,679</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$2,057,679</b>
* If new FTEs are needed, please complete Section G (Detailed Justification for FTEs) below.					

(3) Base Appropriations: State \$17,073,648; Other \$6,544,086. This is the base appropriation for the Circuit and Family Courts. It includes the salaries for 98 judges; 128 court reporters; 98 administrative assistants; and 46 law clerks as well as the office expenses for 98 judges.

(4) Is this priority associated with a Capital Budget Priority? No.

### G. Detailed Justification for FTEs

(1) Justification for New FTE positions: Six additional judges and staff are needed to reduce the caseload ratio and provide services to the citizens of South Carolina.

(2) Position Details:

	State <sup>2</sup>	Federal	Earmarked	Restricted	Total
Position Title: Circuit Judge					
(a) Number of FTEs	(3)				(3)
(b) Salary	\$129,022				\$387,066
(c) Fringe Benefits	\$71,847				\$215,541
Position Title: Family Judge					
(a) Number of FTEs	(3)				(3)
(b) Salary	\$125,627				\$376,881
(c) Fringe Benefits	\$70,246				\$210,738
Position Title: Administrative Assistant					
(a) Number of FTEs	(6)				(6)
(b) Salary	\$24,395				\$146,370
(c) Fringe Benefits	\$10,087				\$60,522
Position Title: Circuit Court Reporter					
(a) Number of FTEs	(3)				(3)
(b) Salary	\$40,812				\$122,436
(c) Fringe Benefits	\$13,544				\$40,632
Position Title: Family Court Reporter					
(a) Number of FTEs	(3)				(3)
(b) Salary	\$35,117				\$105,351
(c) Fringe Benefits	\$12,345				\$37,035
Position Title: Law Clerk					
(a) Number of FTEs	(3)				(3)
(b) Salary	\$38,773				\$116,319
(c) Fringe Benefits	\$13,114				\$39,342
Position Title: Administrative Staff					
(a) Number of FTEs	(3)				(3)
(b) Salary	\$24,395				\$73,185
(c) Fringe Benefits	\$10,087				\$30,261

(3) FTEs in Program Area per FY 2007-08 Appropriation Act:

State 219

Federal 0

Other 151

Agency-wide Vacant Non-Judge FTEs as of August 2006: 33

% Vacant: 7%

H. Other Comments

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<sup>2</sup> Cost per position.

- A. Agency Section/Code/Name: Section 30/B04/Judicial Department
- B. Priority No. 2 of 3
- C. (1) Title: Court Technology  
(2) Summary Description: Operations, enhancement, and support of the judicial technologies that are utilized as part of court operations by judicial personnel.  
(3) Strategic Goal/Action Plan: Technology initiatives are defined by the South Carolina Judicial Department Strategic Technology Plan. This plan is available for review on the SCJD website at [www.sccourts.org](http://www.sccourts.org). Federal funds have been providing the primary funding for establishing the initiatives identified in this plan; however, state funding is required for the ongoing operations and continuation of the foundational technology components.
- D. Budget Program Name and Number:  
Administration – Information Technology Budget Program, V.C.
- E. Agency Activity: Court Technology
- F. Detailed Justification for Funding

(1) Justification for Funding Increase:

The modernization effort of the South Carolina Courts began when Chief Justice Toal was sworn into office in March of 2000. The technology initiatives began when the development of the strategic technology plan was started in June of 2000. Since June of 2000, all aspects, organizations, and systems that interact with the South Carolina Courts have been involved with this effort including: agencies from state government, county government and local municipal government, elected officials, appointed officials, and staff, from both urban areas and rural areas. The federal government, through retired Senator Hollings', Senator Graham's, and Senator DeMint's offices and the Department of Justice, has also been briefed and are very supportive of these efforts. Their support has been shown over the past years through the awarding of several federal grant projects for the technology initiatives to the Judicial Department. The momentum for this program and the projects comprising it have been developed through an intense grass roots effort to include all entities involved with the South Carolina judicial process.

The SCJD technology initiatives have now permanently changed the criminal justice processes in the state of South Carolina. The initiatives have progressed beyond the point of ever turning back. The efficiencies, accuracy, timeliness, and cost effectiveness of using the technologies and specifically the internet are now readily incorporated into the everyday operations of the courts.

Although the federal grant funds received to date are significant, they are primarily focused upon the criminal justice aspect of the judicial system. In recent years, earmarked funds have also provided an important source of funds. Through thorough upfront planning, other aspects of the judicial system have benefited from the criminal justice technology efforts. Funds are needed to cover the recurring costs of the maintenance and refresh of the judicial technologies in the SCJD data center and network, and computers and printers used by the judges and staff in the courtrooms and offices across the state. In addition, since the inception of the technology initiatives in 2000, SCJD has worked with the counties to establish internet connectivity for the county courthouses and judicial facilities. The larger counties have readily incorporated these court facilities into their county wide area networks (WANs). Some of the more rural counties continue to need assistance from SCJD to maintain and evolve their connectivity and establish county WANs.

<b>TECHNOLOGY</b>	<b>BUDGET REQUESTED</b>
<b>RECURRING ITEMS</b> <ul style="list-style-type: none"> <li>The maintenance, refresh, and expansion of the servers, networking components, and storage area network (SANs) components that comprise the SCJD data center.</li> <li>The refresh of the laptops, PCs, and printers of the SCJD judges and employees. SCJD is trying to get the employees and training room on a four year refresh cycle in a manner that approximately 25% of the employees (approximately 140 of the 550 personnel) equipment is replaced annually. A similar cycle is trying to be established for office and courtroom printers.</li> <li>Establishment and upgrade of rural county wide area networks (WANs) and internet connectivity.</li> </ul>	\$485,000  \$525,000  \$540,000  <b>TOTAL = \$1.55M</b>
<b>NON-RECURRING ITEMS</b> <ul style="list-style-type: none"> <li>None requested</li> </ul>	\$0  <b>TOTAL = \$0</b>

(2)

<b>FY 2008-09 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services					\$ 0
Pass-Through Funds					\$ 0
Other Operating Expenses		\$1,550,000			\$1,550,000
<b>Total</b>	\$ 0	\$1,550,000	\$ 0	\$ 0	\$1,550,000

\* If new FTEs are needed, please complete Section G (Detailed Justification for FTEs) below.

(3) Base Appropriation: State \$2,577,552; Federal \$7,704,000; Other \$1,593,750. The state and other appropriation represent the wages for 26 FTEs involved in Court Automation. It also represents the hardware, software, telephone lines, and all related expenses to provide technology for the day-to-day operations in the Judicial Department. The Federal funding is restricted to future infrastructure and development costs to facilitate and administer criminal courts at the county level. It cannot be used for day-to-day operations.

(4) Is this priority associated with a Capital Budget Priority? No.

G. Detailed Justification for FTEs: Not applicable

H. Other Comments:

- A. Agency Section/Code/Name: Section 30/B04/Judicial Department
- B. Priority No. 3 of 3
- C. (1) Title: Travel Funds  
(2) Summary Description: Circuit Court and Family Court operating funds for travel.  
(3) Strategic Goal/Action Plan: To allow effective scheduling of judges and to comply with Constitutional requirements of judicial rotation.
- D. Budget Program Name and Number: Circuit Court, Budget Program III  
Family Court, Budget Program IV
- E. Agency Activity: Circuit Court, Family Court
- F. Detailed Justification for Funding

(1) Justification for Funding Increase:

This is a request to provide funds so that judges and their staff and court reporters may be sent to those areas of the state where they are most needed. These funds are also needed so that we can comply with the State Constitution, which requires judicial rotation. Although judicial automation continues to demonstrate results through paper and print savings, increased efficiency in scheduling and records management, the Judicial Department remains labor intensive with 85% of our general fund and earmarked budget and 95% of our general fund appropriation going to salaries and fringe benefits. Although cut in half in recent years travel expenditures have begun to increase, both the mileage reimbursement rate and the subsistence rate have been justifiably increased. Past savings have come almost entirely from circuit court and family court travel budgets. Cuts were achieved by using fewer retired judges and by keeping judges in their home counties as much as possible. However, this results in less efficient use of judges which ultimately slows the disposition of cases and increases the court backlog. Consequently, we have increased travel to avoid the inefficiencies that develop when there is inadequate travel. These funds are requested so we may continue to more effectively manage the current judicial process and provide better services to customers of the Judicial Department.

Current general fund appropriations are used almost exclusively to pay Judges' salaries and employer contributions and to pay some Judicial Department staff, as well as rent on the Calhoun and Supreme Court Buildings. The Legislature generously provided the Judicial Department with \$1 million in supplemental funds to help defray travel costs in the last (2006-07) fiscal year and has provided \$1 million in nonrecurring funds for the current (2007-08) fiscal year. Our travel expenditures for fiscal year 2005-06 were \$1.476 million. Our travel expenditures for the last fiscal year (2006-07) were \$1.858 million. These expenditures were paid from supplemental funds and funds mainly provided by temporary provisos. Much of the expenditures this year will be paid by supplemental funds. We are asking for a recurring general fund appropriation to provide a stable funding base for these costs.



(2)

<b>FY 2008-09 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services		\$1,700,000			\$1,700,000
Pass-Through Funds					\$ 0
Other Operating Expenses					\$ 0
<b>Total</b>	\$ 0	\$1,700,000	\$ 0	\$ 0	\$1,700,000
* If new FTEs are needed, please complete Section G (Detailed Justification for FTEs) below.					

- (3) Base Appropriations: State \$17,073,648; Other \$6,544,086. This is the base appropriation for the Circuit and Family Courts. It includes the salaries for 98 judges; 126 court reporters; 98 administrative assistants; and 46 law clerks as well as the office expenses for 98 judges. Judicial rotation is constitutionally mandated and as such should be fully funded by the Legislature. In recent years, the Judicial Department used earmarked revenues to provide funding necessary to pay travel expenditures. Last year about ½ of our travel monies came from supplemental funds and again this year the Judicial Department will use supplemental funds and earmarked funds to pay for Circuit and Family Court travel. Both of these sources of funding are considered temporary funding by their nature. This request is made for a recurring general fund appropriation to provide a stable funding base for these costs.

- (4) Is this priority associated with a Capital Budget Priority? No.

G. Detailed Justification for FTEs: Not applicable

H. Other Comments:

## **FY 2008-09 COST SAVINGS & ACTIVITY PRIORITY ADDENDUM**

The South Carolina Judicial Department is one of three co-equal branches of state government created by the South Carolina Constitution. The Department's primary mission is to ensure an accessible forum for the resolution of civil disputes and criminal matters and to resolve those cases expeditiously and fairly. The Department accomplishes this essential mission with an appropriation of less than 1% of the state's annual budget.

In fiscal year 2007-08, 92% of the Department's general fund appropriation is allocated to the judges and staff salaries and benefits. The remaining 8% of our general fund appropriation contributes to operational costs.

The Department is mindful of the difficult task of formulating a responsible budget but we are unable to identify cost saving initiatives in an amount equal to 2% of our general fund appropriation that are not essential to performing the Department's constitutionally mandated duties. We are also unable to identify 10% of Judicial Department activities that represent our lowest priorities. All Department activities contribute to the successful performance of the functions required of the Supreme Court, Court of Appeals, Circuit Courts, Family Courts, and other aspects of the unified judicial system which are necessary to sustain to a stable, democratic society.